

## **WAGANAKISING ODAWAK STATUTE 2007-005**

### **MICHELLE CHINGWA EDUCATION ASSISTANCE ACT**

#### **SECTION I. PURPOSE**

This Michelle Chingwa Education Assistance Act is hereby enacted to enable present and future generations of Waganakising Odawak to obtain post secondary educational opportunities and repeals and replaces the original and amended Michelle Chingwa Education Assistance Act.

#### **SECTION II. DEFINITIONS**

- A.** “**Accredited**” shall apply to those post secondary institutions of higher education that are accredited by an agency, organization or state agency recognized by the United States Department of Education as an accrediting agency (They are listed on the Department’s website).
- B.** “**Citizen**” shall mean, for the purpose of this statute, a Member of the Little Traverse Bay Bands of Odawa Indians.
- C.** “**Semester equivalent**” shall mean a prorated amount based on a semester that is between 14 and 17 weeks long and will use 16 weeks as the basis for calculating equivalents. A 12 week quarter would count as 75% of a semester equivalent. Schools sometimes allow students to take longer than 16 weeks for a semester course, for such courses they shall be considered as one semester equivalent per credit. Graduate research credit will need to be addressed on a case by case basis.
- D.** The “**Tribe**” or “**LTBB**” shall mean the Little Traverse Bay Bands of Odawa Indians.

#### **SECTION III. APPLICATION**

- A.** The program shall be administered by the Education Department.
- B.** The program shall fund scholarships to Tribal Citizens attending:
  - a.** accredited post secondary institutions of higher education, colleges and universities;
  - b.** Tribally controlled colleges that are seeking accreditation;

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- c. Other colleges or programs approved by Tribal Resolution.
- C. Scholarships shall be administered in the following manner:
  - a. Deadlines are established as follows:
    - i. Fall, October 1
    - ii. Winter, February 15
    - iii. Summer, June 15
    - iv. Deadlines for trimesters or quarters shall be 30 days after the beginning of the session.
  - b. Scholarship applications shall not be accepted after the deadline.
  - c. The scholarships shall be granted up to the deadline for each semester, trimester or quarter.
  - d. Scholarships granted after the deadlines shall be classified as late. Late scholarships shall be available only to those who failed to complete their application at no fault of the applicant and provided funds are available.
  - e. The Executive shall have the authority to limit the amount of late scholarships funded during the winter and summer cycles to help project available funds for the fall cycle.
  - f. The scholarships shall be calculated on a semester equivalent per credit hour basis with five classifications:
    - i. Classes:
      - 1. Class 1, Courses or College programs that are sponsored by Little Traverse Bay Bands of Odawa Indians and provided nearly free of cost to the student (i.e. the original Waganakising Odawa Office Technology Program paid all tuition, books, fees and stipend and would need no further funding for attendance).
      - 2. Class 2, Junior or community colleges
      - 3. Class 3, Four year colleges or four year degree programs
      - 4. Class 4, Graduate level courses
      - 5. Class 5, free courses such as the free online courses provided by Bay Mills Community College.
    - ii. The limit and level of each scholarship classification shall be:
      - 1. Set by the Executive
      - 2. Semester equivalent limits should not exceed
        - a. 18 credits per semester for undergraduate courses
        - b. 12 credits per semester for graduate courses
      - 3. Scholarship levels for Class 1, shall cover actual expenses plus smaller semester equivalent amount to cover other student expenses (i.e. \$25 per credit hour to cover travel, meals, etc).
      - 4. Scholarship levels for Class 2, 3, & 4 respectively shall follow a general ratio of 2/3/4 (i.e. Class 2, \$200, Class 3, \$300, Class 4, \$400) and should be raised or lowered to

accommodate the budget but an attempt should be made to keep the levels as consistent as possible to help students plan from semester to semester.

5. Scholarship levels for Class 5 shall be limited to a small per credit hour amount to cover miscellaneous expenses (i.e. \$15 per credit to cover books, computer disks, etc.).
6. Students enrolled in multiple classes of scholarship shall be awarded the appropriate level for each course.

- D.** To be eligible for this scholarship the student must:
- a. Be an enrolled Citizen of the Tribe;
  - b. Be enrolled in the educational institution for which the scholarship is being applied;
  - c. Maintain a 2.0 overall GPA (subject to appeal);
  - d. Have applied for other available financial aid and scholarships (i.e. the Pell Grant).

#### **SECTION IV. RESTRICTIONS**

- A.** If a student withdraws from a course, their next scholarship shall be reduced by that equivalent amount subject to appeal.
- B.** Students will not be funded for a course more than twice unless the student can prove they need to take the class over to complete a degree requirement but shall be limited to three times.

#### **SECTION V. REGULATIONS REQUIRED**

- A.** The Executive shall develop regulations for this statute; however, the implementation of the statute shall not be delayed by approval of regulations.
- B.** The regulations shall define the recipient of the scholarship checks, except that students that can prove their scholarship will reduce other financial aid shall become the sole recipient of their scholarship check for the duration of that school year.
- C.** The regulations shall define the appeal process. Appeals authorized by this statute shall be heard by the Education Commission until another body is appointed by statute, regulation, or appropriate resolution.
- D.** The regulations shall require the following minimum reports to Tribal Council:

- a. Three summary reports for each semester's scholarships in March, July, and October and a year-end summary each January for all the previous year's scholarships.
  - b. Each report shall contain at a minimum:
    - i. Number of students in each class of scholarships
    - ii. Number of semester equivalent credits in each class of scholarships
    - iii. Total dollar amount of scholarships for each period and the year
    - iv. Drop rates
    - v. Present scholarship rates and predicted rates needed to meet budget for the next cycle
    - vi. Graduations and type of degrees received
- E. Publication required: the Executive shall publish the scholarship limits and levels for the next scholarship cycle in November, April, and June of each year.

## **SECTION VI. APPROPRIATIONS AUTHORIZED**

This Education Assistance Act shall be funded by the Enterprise Fund General Welfare line item of the Enterprise fund with a minimum budget of \$1,000,000.00 per LTBOI fiscal year.

## **SECTION VII. SEVERABILITY**

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

## **SECTION VIII. EFFECTIVE DATE**

Effective upon signature of the Executive or 30 days from Tribal Council approval which ever comes first or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

## CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly passed by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on November 4, 2007 at which a quorum was present, by a vote of 9 in favor, 0 opposed, 0 abstentions, and 0 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Harrington, Jr.	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Melvin L. Kiogima	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Dexter McNamara	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Marvin Mulholland	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Shirley Oldman	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Alice Yellowbank	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Gerald Chingwa	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Regina Gasco Bentley	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>
Beatrice A. Law	<u>X</u>	<u>          </u>	<u>          </u>	<u>          </u>

Date:                                 

Beatrice A. Law, Legislative Leader

Date:                                 

Regina Gasco Bentley, Secretary

Received by the Executive Office on                                  by                                 

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date:                                 

Frank Ettawageshik, Tribal Chairperson

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